

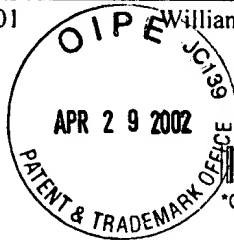


UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/539,874	06/05/2001	William M. Scott	A-6980

20741
HOFFMAN WASSON & GITLER
2361 JEFFERSON DAVIS HIGHWAY
SUITE 522
ARLINGTON, VA 22202



CONFIRMATION NO. 9239



OC000000007919888

Date Mailed: 04/22/2002

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Application Filing Date

In response to your request for a corrected Filing Receipt, the Office can not comply with your request because:

☐ If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, a petition to accord a filing date should be submitted along with a copy of the Express Mail label showing the "date in" and be directed to the Office of Petitions.

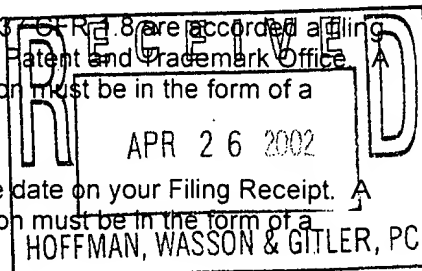
☐ A copy of the Express Mail label was not enclosed with your request. Petitions under 37 CFR 1.10 require a copy of the Express Mail Label to be submitted.

☐ The "date in" on the Express Mail label is the date given on the Filing Receipt.

☒ The filing date accorded to the application is the date the application met the filing date requirements of 37 CFR 1.53(b) or (c).

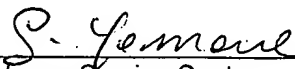
☐ Applications submitted with a certificate of mailing under 37 CFR 1.8 are accorded a filing date as of the date the application is received in the U.S. Patent and Trademark Office. A request to review the filing date accorded to the application must be in the form of a petition.

☐ The filing date on your return postcard is the same as the date on your Filing Receipt. A request to review the filing date accorded to the application must be in the form of a petition.



A petition under 37 CFR 1.10, 37 CFR 1.53 or 37 CFR 1.182 is needed to request a change to the filing date. A \$130 petition fee is required for a petition under 1.53 or 1.182. If you choose to file a petition, the petition and the \$130 petition fee, if any, to:

Box DAC
Commissioner for Patents
Washington, DC 20231


Customer Service Center
Initial Patent Examination Division
(703) 308-1202



Receipt
#5

HOFFMAN, WASSON & GITLER, P.C.
ATTORNEYS AT LAW

PATENTS, TRADEMARKS AND COPYRIGHTS

MARTIN P. HOFFMAN
MITCHELL B. WASSON *
STEWART L. GITLER

2361 JEFFERSON DAVIS HIGHWAY
SUITE 522
ARLINGTON, VIRGINIA 22202-3876

LOS ANGELES, CA OFFICE
12424 WILSHIRE BOULEVARD
SUITE 1200
LOS ANGELES, CA 90025

CHRISTOPHER J. McDONALD

TELEPHONE: (703) 415-0100

JEAN A. BUTTMER *
OF COUNSEL

FACSIMILE: (703) 418-2768

* NOT ADMITTED IN VIRGINIA

www.lawyers.com/iplaw

Writer's e-mail address:
cmcdonald@hwglaw.com

email: mail@hwglaw.com

April 29, 2002

Office of Initial Patent
Examination's Customer Service Center
Commissioner of Patents and Trademarks
U.S. Patent and Trademark Office
Washington, D.C. 20231

Re: Request for Corrected Filing Receipt
For: U.S. Patent Application
Serial No. 09/539,874
Filing Date: March 31, 2000
For: DEVICE FOR DISPENSING
SUBSTANCE FROM A CARTRIDGE
Applicant: William M. Scott et al
Our File: A-6980

Dear Sir:

Applicant received Notice of Omitted Items in the non-provisional application stating that page 29 of the specification was missing. Page 29 contained the claims 24-30 of 39 total claims.

The Notice of Omitted-Items gives three choices for response. The first choice is to contend that the omitted items were, in fact, submitted to the U.S. Patent and Trademark Office. The second choice is to supply the omitted items and accept the date of submission of the omitted items as the filing date of the application. The third choice is to allow the Office to accept the application as filed with the Patent Office. In taking the third avenue, it is suggested that an amendment be made to the specification to renumber pages and cancel incomplete sentences caused by any omitted pages, and amend the specification to cancel all references to any omitted drawings, relabel the drawing figures to be numbered consecutively.

April 29, 2002


The immediate items were claims, and the description of the invention was fully described in the specification. The missing items were claims 24-30. Applicant wishes the Patent Office to accept the application as originally filed on March 31, 2000, and maintain that filing date. In accordance with following the third option given in the Notice of Omitted Items, applicant submitted a Preliminary Amendment to correct inconsistencies created by the omitted page. The Preliminary Amendment entered claims 24-30, so that the claims would now be consecutively numbered. This was the most expedient way of correcting the inconsistencies created by the omitted items. The other option would have been to renumber claims 31-39, beginning with claim 24, so that all claims were numbered consecutively.

However, such a change would create problems of dependency in some claims. The Preliminary Amendment was submitted in accordance with the third option provided in the Notice of Omitted Items which maintains the original filing date.

The Response to Request for Corrected Filing Receipt, dated April 22, 2002, indicates that the filing date accorded to the application is the date the application met the filing date requirements of 37 CFR 1.53(b) or (c). This date is March 31, 2000, as the Preliminary Amendment of June 5, 2001, did not present new matter for obtaining a filing date, and the requirements were satisfied on March 31, 2000.

It is therefore requested that a corrected filing receipt be issued with the original filing date of March 31, 2000.

Respectfully submitted,


Christopher J. McDonald
Reg. No. 41,533

CJM/mpd
Enclosure

FILE COPY #2



Bib Data Sheet



UNITED STATES DEPARTMENT OF
COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER 09/539,874	FILING DATE 03/31/2000 RULE -	CLASS 222	GROUP ART UNIT 3752	ATTORNEY DOCKET NO. A-6980
APPLICANTS William M. Scott, Hampstead, CANADA; Christopher Weldon, Ste Clotilde, CANADA; ** CONTINUING DATA ***** ** FOREIGN APPLICATIONS *****				
IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** 06/14/2000				
Foreign Priority claimed <input type="checkbox"/> yes <input type="checkbox"/> no 35 USC 119 (a-d) conditions <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance Verified and Acknowledged _____ Examiner's Signature _____ Initials _____		STATE OR COUNTRY CANADA	SHEETS DRAWING 14	TOTAL CLAIMS 39
INDEPENDENT CLAIMS 1				
ADDRESS 20741				
TITLE Device for dispensing substance from a cartridge				
FILING FEE RECEIVED 516	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:			
<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees (Filing) <input type="checkbox"/> 1.17 Fees (Processing Ext. of time) <input type="checkbox"/> 1.18 Fees (Issue) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit				

TC 3700 MAIL ROOM

AUG 4 2000

RECEIVED